

MINUTES
BOARD OF APPEALS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 25 February 2019

1. CALL TO ORDER: Chairman Cheryl Maxwell at 6:00PM
2. QUORUM CHECK: Jacob Jenkins, Code Enforcement Officer

Members Present:
Mat Matecko, Vice-Chairman
John Hudson, Member
Lori Putt, Member
Cheryl Maxwell, Chairman
Michael Murray, Member

Present:
Kim Turner- Assistant City Manager
Jaclyn Redmon- Building Official
Maxine Jackson- 214 Rosewood Representative
K. "Andy" Tiwari- 607 W Byrd Attorney

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 28 January 2019

Mr. Hudson moved to approve the minutes as presented. Ms. Putt seconded the motion. The minutes were unanimously approved without correction on a 5/0 vote.

4. NEW BUSINESS:

- A. **Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 510 Cordoba, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisance from the January 28, 2019 meeting.

City Staff gave a report to the Board on the status of the property and answered questions. The property owner was not present.

Member Matecko made a motion stating, " I find that the property owner of 510 Cordoba, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance. Because the garbage/debris, and public nuisance still exist I move to authorize the City of Universal City to proceed with abatement of the garbage/debris, and public nuisance.

Additionally, as provided by law, the garbage/debris, and public nuisance may not be abated by the City any earlier than 25 March 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law. Additionally, a court summons is to be issued to the property owner for failure to appear before the Board as required at the January 28, 2019 meeting."

Member Hudson seconded the motion and the motion passed on a 5-0 vote.

- B. Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 8306 Delphian, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures from the January 28, 2019 meeting.

City Staff gave a report to the Board on the status of the property and answered questions. The property owner was not present.

Member Hudson made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 8306 Delphian, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 25 March 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law. Additionally, a court summons is to be issued to the property owner for failure to appear before the Board as required at the January 28, 2019 meeting."

Member Putt seconded the motion and the motion passed on a 5-0 vote.

- C. Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 145 Rifle Gap, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures from the January 28, 2019 meeting.

Agenda items was removed as all required paperwork was submitted.

- D. Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 607 W Byrd, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures from the January 28, 2019 meeting.

City Staff gave a report to the Board on the status of the property and answered questions. The property owner was not present, but their attorney was present to answer questions.

Member Putt made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 607 W Byrd, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 25 March 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law. Additionally, a court summons is to be issued to the property owner for failure to appear before the Board as required at the January 28, 2019 meeting."

Member Hudson seconded the motion and the motion passed on a 5-0 vote.

- E. Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 214 Rosewood, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures from the January 28, 2019 meeting.

City Staff gave a report to the Board on the status of the property and answered questions. The property owner was not present, but their representative Maxine Jackson was present to answer questions.

Member Matecko made a motion stating, “I find that the property owner(s), lienholder, or mortgagee of 214 Rosewood, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 25 March 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law. Additionally, a court summons is to be issued to the property owner for failure to appear before the Board as required at the January 28, 2019 meeting.”

Member Putt seconded the motion and the motion passed on a 5-0 vote.

- F. Re-Consider:** The Board will determine whether the property owner (s), lienholder, or mortgagee at 717 Meadow Arbor, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures from the January 28, 2019 meeting.

City Staff gave a report to the Board on the status of the property and answered questions.

Member Matecko made a motion stating, “I find that the property owner(s), lienholder, or mortgagee of 717 Meadow Arbor, Universal City Texas has not complied with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Because the dangerous structure and public nuisance still exist, along with the accessory structure and fence, I move to authorize the City of Universal City to proceed with abatement of the dangerous structure and public nuisance.

Additionally, as provided by law, the dangerous structure and public nuisance may not be abated by the City any earlier than 25 March 2019. Upon completion of the abatement by the City, the City is further authorized to assess a lien against the property to recover its expenses associated with the abatement in accordance with applicable law. Additionally, a court summons is to be issued to the property owner for failure to appear before the Board as required at the January 28, 2019 meeting.”

Member Putt seconded the motion and the motion passed on a 5-0 vote.

- G. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 514 W Lindbergh, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

Staff gave report to the Board and answered questions. Chairman Maxwell opened the public hearing at 6:47PM. The property owner was not present and there was nobody from the public to speak for or against the property. The public hearing was closed at 6:47PM.

- H. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 514 W Lindbergh, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

The Board spoke amongst themselves and Member Hudson made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/fence at 514 W Lindbergh:

"That the conditions of the property commonly described as 514 W Lindbergh Blvd, CB 5768 BLK 62 LOT 5 (Parkview/Northview (SC), Universal City, Bexar County, Texas 78148 (Bexar County Property ID#354711) constitutes a public nuisance in need of abatement, specifically:

- 1. The primary structure is damaged due to years of neglect. The foundation/structure is potentially damaged and in need of a structural engineer's report to be submitted and proper repairs made as required by the engineer. The roof, facia, soffit, and siding are damaged and in need of replacement and proper repair. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.**
- 2. All garbage/debris on the property needs to be immediately removed and properly disposed of.**
- 3. All tenants are required to vacate the building, until water service has been re-instated for the property. International Property Maintenance Code and City Ordinance does not allow for persons to reside on the property, unless an active water account is in service.**
- 4. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.**
- 5. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.**
- 6. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.**
- 7. Pull Electrical Meter for life/health/safety issues.**

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before March 13, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement.

If it is shown that sufficient progress has been made by the March 25, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure. The Board also orders the property owner to be present at the March 25, 2019 meeting."

Member Putt seconded the motion and the motion passed on a 5-0 vote.

5. UPDATED BOARD ON PREVIOUS CASES

6. ADJOURNMENT:

The meeting adjourned at 7:00PM

Cheryl Maxwell